

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHANTELE LEBRON, <i>on behalf of herself</i> ,	:	
<i>FLSA Collective Plaintiffs, and the Class</i> ,	:	
	:	
Plaintiff,	:	23-CV-10678 (VSB)
	:	
- against -	:	<u>ORDER</u>
	:	
INDUSTRIOUS NATIONAL	:	
MANAGEMENT COMPANY LLC AND	:	
INDUSTRIOUS STAFFING COMPANY,	:	
LLC,	:	
	:	
Defendants.	:	
-----X	:	

VERNON S. BRODERICK, United States District Judge:

This action was initially filed by Plaintiff Daniel Ponce (“Plaintiff” or “Ponce”) against Defendants Spring Natural Corp. d/b/a Thyme & Tonic f/d/b/a Spring Natural Kitchen, Tastebud Market LLC d/b/a Modern Bread and Bagel, Orly Gottesman, and Josh Borenstein (collectively, “Defendants”). (Doc. 1.) On March 1, 2024, Defendants filed a motion to dismiss Plaintiff’s Complaint, and a memorandum of law in support. (Docs. 10–11.) On March 12, 2024, Defendants filed a letter motion requesting that I stay discovery pending my decision on Defendants’ motion to dismiss. (Doc. 13.) On March 15, 2024, Plaintiff filed a letter stating he intended to amend his Complaint, and that he would not file an opposition to Defendants’ motion to dismiss. (*See* Doc. 14.)

On March 20, 2024, Plaintiff Shantelle Lebron (“New Plaintiff” or “Lebron”) filed an Amended Complaint against Defendants Industrious National Management Company, LLC and Industrious Staffing Company, LLC (collectively, “New Defendants”). (Doc. 18.)¹ Given that

¹ Lebron initially filed the Amended Complaint on March 19, 2024, (Doc. 15), but due to a filing error, she re-filed the Amended Complaint on March 20, 2024, (Doc. 18.)

the original Defendants were not named in the Amended Complaint, those original Defendants were terminated from this action on March 21, 2024. Accordingly, it is hereby:

ORDERED that the original Defendants' motion to dismiss Ponce's Complaint is deemed moot.

IT IS FURTHER ORDERED that the original Defendants' letter motion requesting that I stay discovery pending resolution of their motion to dismiss is deemed moot.

The Clerk of Court is respectfully directed to close the open motions at Docs. 10 and 13.

SO ORDERED.

Dated: June 4, 2024
New York, New York

A handwritten signature in black ink, reading "Vernon S. Broderick". The signature is written in a cursive style with a large initial "V".

Vernon S. Broderick
United States District Judge